

REMARKS

Reconsideration and withdrawal of the rejections of the application are requested in view of the amendments and remarks presented herein, which place the application into condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-6, 12-14, 16-18, 47, 48, 50-57 are pending in this application. Claim 1 is amended to recite “a method of inhibiting retinal or choroidal neovascularization.” Support for the amendment can be found throughout the specification as originally filed, for instance, in Example 4. Support for new claims 55-57 can be found, for example, at page 17, lines 5-7 and page 53, lines 15-18. No new matter is added.

It is submitted that the claims are patentably distinct over the prior art and that these claims are and were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that these amendments should not give rise to any estoppel, as they are not narrowing amendments.

II. THE REJECTIONS UNDER 35 U.S.C. § 112 ARE OVERCOME

Claims 1-6, 12-14, 16-18, 47, 48 and 50-54 were rejected under the first paragraph of Section 112 as allegedly lacking enablement. The rejection is traversed.

Solely to advance prosecution, Applicants have amended the claims to reflect the scope deemed enabled by the Examiner in the final Office Action mailed December 21, 2006 and reiterated in the Advisory Action mailed June 4, 2007. Hence, the instant invention is directed to a method for inhibiting retinal or choroidal neovascularization comprising delivering to the eye by direct injection an equine infectious anemia virus (EIAV)-based lentiviral vector comprising a promoter sequence in operable linkage with a polynucleotide sequence encoding an angiostatic gene product selected from the group consisting of endostatin, angiostatin, vascular endothelial growth factor receptor 1 (VEGFR1), FLT-1, and pigment epithelium-derived factor (PEDF).

This amendment should not be interpreted as acquiescence to or agreement with the rejection, and Applicants reserve the right to pursue the subject matter as previously claimed in continuing applications. Reconsideration and withdrawal of the enablement rejection are requested.

CONCLUSION

Applicants believe that the application is in condition for allowance. Favorable reconsideration of the application and issuance of a Notice of Allowance are solicited.

Respectfully submitted,

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